

BEFORE THE STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL

In the Matter of
Application No. 99-1

SUMAS ENERGY 2, INC.

SUMAS ENERGY 2 GENERATION
FACILITY

NOTICE OF DEADLINE FOR FILING
PETITIONS FOR INTERVENTION –
APRIL 17, 2000

NOTICE PREHEARING CONFERENCE –
APRIL 24, 2000

The Application:

On January 4, 1999, Sumas Energy 2, Inc. submitted Application No. 99-1 to the Washington State Energy Facility Site Evaluation Council (EFSEC or Council) to construct and operate the Sumas Energy 2 Generation Facility. On January 3, 2000, Sumas Energy 2, Inc. submitted a revised application, also designated Application No. 99-1. On February 8, 2000, the Energy Facility Site Evaluation Council issued a Notice of Intent to Hold Adjudicative Proceeding, Notice for Filing Petitions for Intervention, and Notice of Intent to Hold Prehearing Conference. In accordance with those notices, this notice establishes the deadline for filing petitions for intervention, establishes the date for the first pre-hearing conference, and establishes the deadline for submission of comments to the DEIS and the date of the public hearing on the DEIS.

Draft Environmental Impact Statement (DEIS):

In addition to the adjudicative proceeding, the public has the opportunity to participate in EFSEC's review under the State Environmental Policy Act (SEPA). Written comments on the Draft Environmental Impact Statement (DEIS) issued on March 15, 2000 will be accepted no later than **April 17, 2000**. EFSEC will also hold two public meetings to solicit comments to the DEIS. These will be held from 7 p.m. to 9 p.m. on **April 3, 2000** at the Whatcom County Council Chambers, 311 Grand Avenue, Bellingham, WA 98225 and **April 4, 2000** at the Sumas Legion Hall, 134 Harrison Avenue, Sumas, WA 98295. Contact the EFSEC Office for more information. (See below for address and phone number.)

Notice of Deadline for Submitting Petitions for Intervention – April 17, 2000.

The statutory parties to an adjudicative proceeding are the applicant, Sumas Energy 2, Inc., and the Counsel for the Environment (as defined in RCW 80.50.020(12)), Assistant Attorney General, Mary Barrett. According to WAC 463-30-050, any state agency that is a member of EFSEC may participate as a party. Any other person may petition to intervene as a party in this adjudicative proceeding under RCW 34.05.443, RCW 80.50.090, and WAC 463-30-400. The

Council will consider the requests for intervention and determine whether or not to grant intervention.

An "intervenor," as defined in RCW 80.50.020(3), may be an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized. Any such "person" who wishes to participate in this proceeding may petition for intervention.

Each person admitted to an adjudicative proceeding as an intervenor is a party to the proceedings only for the purposes and subject to any limitations and conditions specified in the EFSEC order granting intervention.

How to Intervene

To be considered timely, Petitions for Intervention in Application No. 99-1 must be received in the offices of the Council no later than the close of business on **April 17, 2000**. Petitions for Intervention will not be considered after that date except for good cause. A copy of each petition should be served on the Sumas Energy 2 and on the Counsel for the Environment at the time the petition is filed with the Council.

Petitions for Intervention must be filed with:

Washington State Energy Facility Site Evaluation Council
Attn: Allen J. Fiksdal, EFSEC Manager
P.O. Box 43172
925 Plum Street SE
Olympia, WA 98504-3172

Persons wishing to intervene should consider relevant provisions of Chapter 463-30 WAC. In particular, WAC 463-30-400 establishes the following requirements for Petitions for Intervention:

All petitions to intervene shall be verified under oath by the petitioner, shall adequately identify the petitioner, and shall establish with particularity an interest in the subject matter and that the ability to protect such interest may be otherwise impaired or impeded.

In considering whether to file a petition to become an intervenor, potential parties should recognize that persons who are granted intervenor status assume responsibilities they must meet in order for the adjudicative process to be manageable for all participants. Intervenors are expected to appear in the proceeding, either on their own behalf or by an attorney. Intervenors must study other parties' cases so they can participate knowledgeably. They must decide whether to cross examine other parties' witnesses, and determine the nature and scope of the cross examination. Intervenors also have the responsibility either to attend the entire proceeding, including prehearing conferences, or to monitor it to learn when their interests will be at issue --

otherwise they may be bound by matters that are resolved in their absence. Intervenor has the responsibility to become familiar with the Council's procedural rules and guidelines to enable them to participate knowledgeably and effectively to advance their interests. Because of potential delay to the proceeding that could interfere with rights of the parties involved, the Council has a limited ability to instruct participants on procedural matters. Intervention is not a step to be approached casually. Becoming an intervenor in a Council adjudicative proceeding may require a significant commitment of time and financial resources.

To see examples of petitions for intervention that have been filed in previous EFSEC cases, you may contact the EFSEC office or Mary Barrett.

All member agencies who intend to participate as intervenors should submit notice of that intention on or before the deadline for intervention, and identify the particular issue(s) or concern(s) that the agency intends to address as an intervening party.

The names and mailing addresses of the Council, all known parties, and their representatives appear on at the Service List attached to this notice.

Notice of Prehearing Conference – April 24, 2000.

ALL PERSONS PLEASE TAKE NOTICE: The Washington State Energy Facility Site Evaluation Council will convene an initial prehearing conference at 1:00 p.m., April 24, 2000, in the Labor & Industries Building, 7273 Linderson Way SW, Tumwater, Washington 98504. The purpose of the initial prehearing conference is to discuss matters as provided for in WAC 463-30-270:

- (a) Rule on timely filed intervention petitions;
- (b) Simplification of the scope and issues involved;
- (c) The necessity or desirability of amendments to the pleadings;
- (d) The possibility of obtaining stipulations, admissions of fact, and admissions of the genuineness of documents which will avoid unnecessary proof;
- (e) Limitations on the number and consolidation of the examination of witnesses;
- (f) Procedural matters;
- (g) Distribution of written testimony and exhibits to the parties prior to the hearing; and
- (h) Such other matters as may aid in the disposition or settlement of the proceeding including scheduling the hearing and determination of the sequence of the subject matter;

Prior to ruling on timely petitions for intervention the Council may ask for comments from the petitioners and others. Accordingly all parties and petitioners for intervention are requested to attend this prehearing conference.

Procedural matters for discussion include, but are not limited to, discovery and scheduling issues. The latter includes determination of dates for the evidentiary hearing, whether evidence shall be prefiled, whether the hearing shall be segmented, the location of hearing sessions, and the timing

and location of hearing sessions devoted to receiving evidence from the public. The scope of issues to be considered in the adjudication will also be discussed.

All participants, including potential intervenors, are asked to be prepared to discuss the matters identified above including intervention request to the extent that they are reasonably able to do so.

Hearing in this matter is being held pursuant to Part IV of Chapter 34.05 RCW pertaining to adjudicative proceedings. The Council has jurisdiction over this matter under the provisions of Chapter 80.50 RCW and Title 463 WAC, including but not limited to RCW 80.50.040 through RCW 80.50.100, and Chapters 463-26, 463-28, and 463-30 WAC, to recommend to the Governor whether to approve or reject the application for site certification. The Council will preside at the hearing

A form for requesting assistance for the hearings is attached to this notice as Appendix A; please fill it out and return it if any party or witness needs an interpreter or other assistance.

Other Opportunities for Public Participation

Besides formal intervention, public participation in the EFSEC process is accommodated in several additional ways: first, under RCW 80.50.080, the Counsel for the Environment represents "the public and its interest in protecting the quality of the environment"; second, RCW 80.50.090(3) affords an opportunity for members of the public to present testimony in the hearing without having to intervene formally.

When evidentiary hearings begin, the Council plans to schedule specially-designated sessions for the purpose of receiving the testimony of members of the public, at one or more times and places to be set by later notice of hearing. The Council will maintain a copy of current records of the hearing at its offices in Olympia for the use of persons who may wish to review them. Ms. Mary Barrett has been designated as Counsel for the Environment by the Attorney General under RCW 80.50.080 to represent the public and its interest in protecting the quality of the environment. Persons wishing to contact Counsel for the Environment may use the EFSEC address below, or may contact her directly at the address or telephone number listed on the Service List.

WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

Dated in Olympia, Washington this _____15th____ day of March, 2000

_____/S/
Allen J. Fiksdal, EFSEC Manager

Sumas 2 Generation Facility – Application No. 99-1
Service List – March 10, 2000

<p>Sumas Energy 2, Inc. Applicant</p> <p>Charles Blumenfeld Karen McGaffey Perkins Coie LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101</p> <p>Phone: (206) 583-8888 Fax: (206) 586-8500</p>	<p>Counsel for the Environment</p> <p>Ms. Mary Barrett Assistant Attorney General Office of the Attorney General Highways-Licenses Building 1125 Washington Street PO Box 40100 Olympia, WA 98504-0100</p> <p>Phone: (360) 664-2475 Fax: (360) 586-7671</p>
<p>Energy Facility Site Evaluation Council</p> <p>Mr. Allen J. Fiksdal EFSEC Manager Energy Facility Site Evaluation Council 925 Plum Street SE, Building 4 PO Box 43172 Olympia, WA 98504-3172</p> <p>Phone: (360) 956-2152 Fax: (360) 956-2158</p>	

Note: Parties petitioning to intervene must serve petitions to all of the above addresses.

NOTICE

PLEASE TAKE NOTICE that:

- * Smoking is prohibited in hearing facilities;
- * The hearing facilities are accessible to interested persons with disabilities;
- * A qualified interpreter will be appointed at no cost to the party or witness, if a party or witness is hearing-impaired or limited English-speaking, and needs an interpreter.

Information needed to provide an appropriate interpreter or other assistance should be given below and the form returned to Allen Fiksdal, EFSEC Manager, Energy Facility Site Evaluation Council, P.O. Box 43172, 925 Plum Street, Olympia, WA 98504-3172.

Please print all requested information.

Application No.: _____ Hearing date: _____

Hearing location: _____

Name of party: _____

Primary language: _____

Hearing impaired? (Yes) ____ (No) ____

Do you need a certified sign language interpreter? Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be reached if there are questions:

Name: _____

Address _____ City _____ State _____

Telephone: (_____) _____